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An Act To Preserve Successful Historic Neighborhood Schools

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, historic school buildings have provided an educational foundation for many of the State's current and past leaders and added significant value to Maine communities; and

Whereas, deliberations about the future of historic school buildings across the State are in progress, including deliberations regarding the 100-year-old Nathan Clifford School in Portland, designed by renowned architect John Calvin Stevens; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §1415-D, sub-§2 is enacted to read:

2. Renovation of historic school buildings; waiver. The commission may grant a waiver from the requirements of this section on a case-by-case basis for instances of substantial renovation of a historic school building. For the purposes of this subsection, "historic school building" means a school building that is on the National Register of Historic Places, eligible for nomination to the national register or designated as a historic building by a certified municipal historic preservation ordinance.

A. The commission may grant a waiver under this subsection if the local school authority proposing the renovation project can demonstrate that the renovation of the historic school building is in substantial compliance with the standards required under this section or that it provides substantial energy efficiency, education, social or environmental benefits over alternative proposals, including, but not limited to, any proposals to construct a new school on an alternative site.

B. An application for a waiver under this subsection must be submitted to the commission in accordance with requirements established by the commission by rule. The waiver application must document the building's qualification as a historic school building under this subsection.

C. The commission shall render a decision on an application for a waiver under this subsection within 30 days of the receipt by the commission of a complete application for a waiver. In making its decision, the commission shall consider the degree of compliance with the requirements of this section, the embodied energy in the existing historic school building and energy use required for school transportation under alternative proposals. In rendering a decision, the commission may place conditions upon the granting of a waiver. Failure on the part of the commission to render a decision

within the 30-day period constitutes approval of the request for the waiver. For the purposes of this subsection, “embodied energy” means the energy required by all processes associated with the production of a building.

The commission shall adopt rules to implement the requirements of this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 20-A MRSA §15908-A, as enacted by PL 2003, c. 497, §2 and affected by §5, is amended to read:

§ 15908-A. School energy efficiency standards rules

1. Definition. For purposes of this section, "substantially renovated" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation.

2. Rules. The state board, in consultation with the Department of Administrative and Financial Services and the Public Utilities Commission, shall by rule require as a condition for state funding for construction that, except as provided in subsection 4, all planning and design for new or substantially renovated schools or school buildings subject to state board approval:

- A. Involve consideration of architectural designs and energy systems that show the greatest net benefit over the life of the building by minimizing long-term energy and operating costs;
- B. Include an energy-use target that exceeds by at least 20% the energy efficiency standards in effect for commercial ~~and institutional~~ buildings pursuant to Title 10, section 1415-D; and
- C. Include a life-cycle cost analysis that explicitly considers cost and benefits over a minimum of 30 years and that explicitly includes the public health and environmental benefits associated with energy-efficient building design and construction, to the extent they can be reasonably quantified.

The state board shall adopt rules pursuant to this section by July 1, 2004. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Requirements for approval. The~~Except as provided in subsection 4,~~ the state board shall withhold approval of a state-funded new or substantially renovated school or school building if the local school authority proposing the project can not show that it has duly considered the most energy-efficient and environmentally efficient designs suitable in accordance with rules adopted pursuant to this section.

4. Renovation of historic school buildings; waiver. The state board may, in consultation with the Public Utilities Commission, grant a waiver from the requirements of this section for instances of substantial renovation of a historic school building in which the local school authority proposing the project has obtained a waiver from the energy efficiency building performance standards for commercial construction under Title 10, section 1415-D, subsection 2. For the purposes of this subsection, “historic

school building” means a school building that is on the National Register of Historic Places, eligible for nomination to the national register or designated as a historic building by a certified municipal historic preservation ordinance.

Sec. 3. Rulemaking. The State Board of Education shall amend the rules governing school energy efficiency standards to allow for a waiver for instances of substantial renovation of a historic school building in accordance with the Maine Revised Statutes, Title 20-A, section 15908-A, subsection 4.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill allows the Public Utilities Commission and the State Board of Education to grant waivers from mandatory energy efficiency standards for building construction and renovation on a case-by-case basis for the renovation of historic school buildings. Under the bill, the Public Utilities Commission may grant a waiver from the mandatory energy standards for commercial construction to a local school authority that can demonstrate that a proposed renovation of a historic school building is in substantial compliance with the energy efficiency standards or that it provides substantial energy efficiency, education, social or environmental benefits over alternative proposals. The State Board of Education may grant a waiver from its school energy efficiency standards rules to a local school authority that has obtained a waiver from the mandatory energy standards for commercial construction from the Public Utilities Commission. The bill also directs the State Board of Education to amend its rules governing school energy efficiency standards to allow for such a waiver.